

EAG/NS/MCM

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

TO BE FILED UNDER SEAL

**AFFIDAVIT IN SUPPORT
OF ARREST WARRANT**

- against -

RICHARD ARLINE, JR.,

(18 U.S.C. § 201(b)(3), 1512(b)(1), 2 and
3551 et seq.)

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

SYLVETTE REYNOSO, being duly sworn, deposes and states that she is a
Special Agent with the United States Department of Homeland Security, Homeland Security
Investigations, duly appointed according to law and acting as such.

On or about and between January 9, 2020 and June 2020, both dates being
approximate and inclusive, within the Eastern District of New York and elsewhere, the
defendant RICHARD ARLINE, JR., together with others, did knowingly and intentionally
attempt to corruptly persuade another person, to wit: Jane Doe, an individual whose identity
is known to the Affiant, and engage in misleading conduct toward Jane Doe, with intent to
influence, delay and prevent the testimony of Jane Doe in an official proceeding, to wit:
United States v. Robert Sylvester Kelly, Criminal Docket No. 19-286 (AMD).

(Title 18, United States Code, Sections 1512(b)(1), 2 and 3551 et seq.)

On or about and between January 9, 2020 and June 2020, both dates being
approximate and inclusive, within the Eastern District of New York and elsewhere, the
defendant RICHARD ARLINE, JR., together with others, did knowingly, intentionally and

corruptly offer a thing of value to Jane Doe, an individual whose identity is known to the Affiant, with intent to influence the testimony under oath and affirmation of Jane Doe as a witness upon a trial, hearing, and other proceeding, before a court authorized by the laws of the United States to hear evidence and take testimony, to wit: the United States District Court for the Eastern District of New York, and with intent to influence Jane Doe to absent herself therefrom.

(Title 18, United States Code, Sections 201(b)(3), 2 and 3551 et seq.)

The source of your deponent's information and the grounds for her belief are as follows:¹

1. I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), and have been since 2008. I am currently assigned to HSI's New York Field Office and, more specifically, to a squad that investigates human trafficking and alien smuggling matters. Previously, I was assigned to narcotics and counter-proliferation squads. I am responsible for conducting and assisting in investigations into the activities of individuals and criminal groups responsible for sex and human trafficking and related offenses. In that capacity, I have participated in investigations involving the debriefing of sex trafficking and sex abuse victims, review of telephone records, cell site location and GPS data, review of money transfer records, surveillance, analysis of pen register information, and the execution of search warrants, including the execution of search warrants on computers and other electronic media. As a result of my

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

training and experience, I am familiar with the techniques and methods of operation used by individuals involved in criminal activity to conceal their activities from detection by law enforcement authorities.

2. The U.S. Attorney's Office for the Eastern District of New York and the Department of Homeland Security, Homeland Security Investigations, New York Field Office are investigating Robert Sylvester Kelly, also known as "R. Kelly," and others for their participation in a racketeering enterprise involving bribery, extortion, the production of child pornography; transportation of women and girls across state lines to engage in illegal sexual activity, including sexual contact with individuals who were too young to consent to such activity under state law and failure to notify sexual partners of a sexually transmitted disease prior to engaging in sexual intercourse in violation of state law, and related substantive offenses; and for arranging for travel in interstate commerce with intent to promote, manage, establish, and carry on an extortion, in violation of state law.

3. On June 20, 2019, a grand jury in the Eastern District of New York returned an indictment charging Kelly with racketeering involving predicate racketeering acts as to five different women and four Mann Act violations. See United States v. Robert Sylvester Kelly, Criminal Docket No. 19-286 (AMD) (E.D.N.Y.). On July 10, 2019, the grand jury returned a superseding indictment, which added a forfeiture allegation. On December 5, 2019, the grand jury returned a second superseding indictment, adding an additional predicate act of bribery. On March 12, 2020, the grand jury returned a third superseding indictment (the "Indictment") against Kelly. Among the charges against Kelly in the Indictment were offenses that carried a ten-year mandatory minimum sentence based

on Kelly's sexual relationship with Jane Doe, an individual whose identity is known to the Affiant, when she was just 17 years old.

4. A review of telephone records for a cellular telephone number used by the defendant ARLINE, JR. with a 708 area code and ending in 7687 (hereinafter, the "ARLINE 7687 TELEPHONE"), shows that ARLINE, JR. communicated with two telephones used by Kelly prior to Kelly's federal arrest and incarceration in July 2019. The records also show that the defendant ARLINE, JR. was in telephone contact with telephones believed to be used by the individuals identified herein as I-1, I-3, I-4 and I-5, whose identities are known to the Affiant. Telephone records also show that I-3 was in contact with telephones used by Kelly prior to his federal arrest and incarceration in July 2019. The records also show that ARLINE, JR. was in telephone contact with other telephone numbers that also were in telephone contact with Kelly prior to his federal arrest and incarceration in July 2019. The available records do not show any telephone contact between ARLINE, JR. and any telephones known or believed to be used by the individual identified herein as I-2, whose identity is known to the Affiant, but the available records do not reflect iMessages or FaceTime telephone calls.

5. On January 8, 2020, Jane Doe began cooperating with federal law enforcement.² Several news outlets reported that Jane Doe was cooperating with federal law enforcement.

² Information provided by Jane Doe has been corroborated by other evidence, including information obtained from other witnesses, evidence seized from electronic devices, documentary evidence, telephone records, text messages and consensual recordings. Jane Doe has engaged the services of a lawyer and may seek civil remedies against Kelly in the future. Prior to her cooperation with federal law enforcement, while still engaged in a

6. On January 9, 2020 at 3:16 a.m., an individual using the Instagram account rich_dollars_ (with vanity name “Hood Rich”) (hereinafter, the “Hood Rich Instagram Account”) sent Jane Doe a private message to her Instagram account that read, “U ok baby[?]” Jane Doe did not recognize Hood Rich and did not respond. Based on a review of publicly-accessible content on the Hood Rich Instagram Account, including that apparent “selfie” images posted on the account resemble a photograph of ARLINE, JR., there is probable cause to believe that this account belongs to the defendant RICHARD ARLINE, JR.

7. On or about May 26, 2020, I-1, who had been in communication with Jane Doe, exchanged the following series of text messages via iMessage with Jane Doe.

I-1: ... i have something to tell you.
I-1: rob is trying to get his cousin rich in contact with you because he wants to pay you for silence. rich called me and i said [first name of Jane Doe] is done with rob and she don't want sh*t from him and won't sign her name away to the devil.

8. Following her receipt of the above text messages, Jane Doe advised a federal law enforcement agent involved in the investigation of her receipt of the text messages. At the direction of federal law enforcement, Jane Doe thereafter continued to communicate with I-1 regarding the subject matter of “cousin rich” and payment by “rob” via text message using iMessage:

Jane Doe: ... I'm just curious, as to how much Rob is trying to give me.
Jane Doe: When did he call you? Cause he texted me in January after

relationship with Kelly, in a March 2019 television interview following Kelly's arrest on various sexual misconduct charges involving underage girls brought by the Cook County State's Attorney's Office, Jane Doe publicly claimed that she did not have sex with Kelly when she was 17 years old. Jane Doe has advised that such statements were false and made publicly at Kelly's direction.

everything in Chicago.
I-1: hiya i just called rich and he wants to do a three way call with us
3? Can you do that right now?

Jane Doe: Dang I actually have a full schedule today. But we can do it later?
I already woke up mad late.
I-1: rich talk to rob on the regular and the only reason why i know rich
is telling the truth because rob told him to get in touch with bear
and rich asked me who was bear and I said you.

Based on my participation in this investigation, there is probable cause to believe that the “rob” in the above text messages is a reference to Kelly.

9. On the evening of May 26, 2020, at the direction of law enforcement, Jane Doe called I-1 and I-1 thereafter called the individual I-1 referred to as Kelly’s “cousin rich,” who there is probable cause to believe is the defendant RICHARD ARLINE, JR., and conferenced the telephone calls so that Jane Doe, I-1 and ARLINE, JR. were in a three-way telephone call. A review of telephone records for the ARLINE 7687 TELEPHONE and the telephone used by I-1 shows that the ARLINE 7687 TELEPHONE was used for the three-way call with I-1, Jane Doe and ARLINE, JR. A few hours later, at the direction of law enforcement, Jane Doe participated in a telephone call with ARLINE, JR. over the ARLINE 7687 TELEPHONE a second time. The telephone calls were recorded by law enforcement with the consent of Jane Doe.

10. A law enforcement agent listened to the two calls described in the above paragraph during their transmission and law enforcement agents have also reviewed the recordings of the calls. In the calls, ARLINE, JR. and Jane Doe repeatedly reference the first name of I-2. Jane Doe has advised that I-2 was a close associate of Kelly who had access to Kelly’s funds since Kelly was incarcerated in July 2019 at a federal detention facility. Law enforcement agents have further reviewed telephone calls placed by Kelly or

at the direction of Kelly, which calls are recorded pursuant to the federal Bureau of Prisons' policy to record all non-legal calls placed by inmates, and have determined that Kelly regularly directs I-2, or others to direct I-2, to make certain distributions of money.

11. In substance, during the recorded three-way telephone call described in paragraph 9 above, ARLINE, JR. discussed a proposal in which Jane Doe would receive \$500,000 in exchange for not continuing to cooperate with the government against Kelly. Following is a transcript of that portion of the three-way call described in paragraph 9.

ARLINE, JR.: They threw out a number.

Jane Doe: So what's the number that they threw out?

ARLINE, JR.: I talked to [first name of I-2], I talked to [first name of I-2] and he was kinda like, "Hey man, uh, what do you think you can do?" Cause I don't, I don't, I threw out a number, I'm like, I'm thinking a hundred thousand? He was like, he was like, man, that's, she ain't gonna go for that.

Jane Doe: Never.

ARLINE, JR.: I'm like, I'm like, "What you thinking?" He's was like, "Half a million."

Jane Doe: I wouldn't go for a half a million either.

ARLINE, JR.: Oh yeah, [UI] I mean, uh, what you, what you tryna do?

Jane Doe then told ARLINE, JR. over the ARLINE 7687 TELEPHONE that she would need \$1 million and wanted ARLINE, JR. to send her a small sum of money within the next 24 hours as a sign of good faith.

12. During one of the consensually recorded telephone calls described in paragraph 9, ARLINE, JR. explained how he had communicated with Kelly, who was incarcerated:

Jane Doe: I just, I just want to know how are you, how are you talking to Rob cause, I mean at least when we were talking to him, he was saying that his calls were limited and stuff like that so, I'm just tryna figure out like –

ARLINE, JR.: Yeah he talk, he talk, he uh normally he talks to [first name of I-2]. You know [first name of I-2]?

Jane Doe: Yeah, [first name of I-2], yeah.

ARLINE, JR.: Yeah so normally he talks to [first name of I-2]. He has [first name of I-2] call me on a, on a like a three way call. I don't, I don't, I don't know what number [first name of I-2] has for him, but he normally calls me on three way calls um, before he went to jail, he wanted me to get in contact with [first name of I-1], so I got in contact with [first name of I-1]. Me and [first name of I-1] go to school together, so –

Jane Doe: Right. Yeah I remember him telling me that. That's the only time I remember him ever mentioning you. Um, but he told me, like, you know that something different that [nickname of I-1] was getting in touch with you so.

ARLINE, JR.: Okay. Yeah he, Yeah I don't, I don't know what the hell he be having going on, the stories or his lies or what the hell he got going on. I just know, I just know he got some issues. I love him, but he gotta fix the issues and when I talked to him about you personally he said, "Can you see if you can get in contact with Bear and fix it for me with [first name of I-1]," so I reached out to on Instagram first -

Jane Doe: So when did he call you to fix it? Like did he, did you, did he email you? 'Cause around January when you reached out to me we were just emailing each other. So how did he reach out to you? He called you, like from MCC?

ARLINE, JR.: Tryna exactly remember how the hell did it work out. 'Cause, I remember that it was a little bit after his birthday or something I had talked to him.

Jane Doe: Right.

ARLINE, JR.: Yeah so that was around that time. Then we ended up talking again and he was like, "can you see what's going on with Bear

and can you keep this between you and [first name of I-1]?”
But he always never really wanted to mention the names over the phone.

Jane Doe: Right.

ARLINE, JR.: So I really didn’t know who the hell, I really didn’t know who Bear was, because [first name of I-1] told me.

Based on my participation in the investigation, there is probable cause to believe that in this telephone call, ARLINE, JR. explained that Kelly and I-2 maintained contact with each other while Kelly was in jail, that on or around Kelly’s birthday (January 8, 2020), I-2 called ARLINE, JR. while I-2 and Kelly were speaking and they discussed Jane Doe (“Bear” is a nickname used by Kelly for Jane Doe).³

13. As set forth below, during one of the telephone calls described in paragraph 9, ARLINE, JR. also made clear to Jane Doe why Kelly would pay for her silence, which he stated he learned from I-2 and another individual whose identity is known to the government (“I-3”):

ARLINE, JR.: So, but like I’m saying I don’t want nothing I tell you to go past with me and you cause I see you do your YouTube –

Jane Doe: [UI]

ARLINE, JR.: I see you do your YouTube shit and I ain’t tryna be part of that type of shit. I just want to be part of –

³ Law enforcement agents have reviewed the telephone calls between Kelly using a recorded BOP telephone line and a telephone number used by I-2 and have not identified any calls where I-2 called another individual and conferenced the lines. Based on my training and experience, however, I am also aware that inmates at federal facilities have been known to access and use contraband cellular telephones to communicate with others without being recorded. In addition, Jane Doe has advised that, prior to her cooperation with law enforcement, she received a telephone call from Kelly while he was incarcerated on a non-recorded line. At the time, Kelly explained to Jane Doe that a BOP staff member had allowed Kelly to make the call from a telephone in a BOP office.

Jane Doe: Well if this is to go through, like none of that would even happen, none of that would even matter. That would be irrelevant. It wouldn't even happen anymore. I just need to figure out like, I don't even, how do you -- I'm just tryna figure out how do you even know that this is something that Rob even wants anymore? That's all I'm tryna see cause that was in January.

ARLINE, JR.: He, he, he definitely [UI] want. From what [first name of I-4] told me and from what I'm hearing from other Motherfuckers, [UI] [first name of I-2]. Have you ever heard of [first name of I-3]?

Jane Doe: [redacted]

ARLINE, JR.: No [first name of I-3]? One of his homies. [first name of I-3]?

Jane Doe: No.

ARLINE, JR.: Okay. [First name of I-2] and [first name of I-3] remember his homies? [First name of I-4] the lawyer-

Jane Doe: Sounds very familiar actually.

ARLINE, JR.: Right. So basically with them they're telling me that, they claim you got some shit I don't know what the fuck you might got, some videos or some iPads or whatever you might got, your story. They just want that to disappear. You know what I'm saying?

Jane Doe: Yeah.

ARLINE, JR.: I don't, I don't really, like I said, I really don't know what you got, but they asked me to do something on [UI]. I really don't got no contact with you, I hit you on IG. I hollered at [first name of I-1] one time about it and she ain't really say nothing. I faded away from it.

Based on my participation in this investigation, there is probable cause to believe that I-4 is an attorney who has represented Kelly (but does not represent Kelly in United States v. Kelly, Criminal Docket No. 19-286 (AMD), currently pending in the Eastern District of New

York or the federal case currently pending in the Northern District of Illinois). A review of records for the ARLINE 7687 TELEPHONE shows that ARLINE, JR. called a telephone number listed on I-4's website on three occasions: March 30, 2020; May 8, 2020; and May 18, 2020. Based on my participation in the investigation, there is probable cause to believe that when ARLINE, JR. said, "they claim you got some shit . . . some videos or some iPads" and "your story they just want that to disappear," he meant that I-2, I-3 and/or I-4 told him that Jane Doe had access to electronic evidence that could be used against Kelly and that they wanted Jane Doe to not tell her version of events regarding her relationship with Kelly (i.e., "her story"). There is further probable cause to believe that when ARLINE, JR. said, "they asked me to do something," he meant that I-2 and I-3 asked ARLINE, JR. to contact Jane Doe and that when ARLINE, JR. said, "I hit you on IG" and "I hollered at [I-1] one time about it and she ain't really say nothing. I faded away from it," he was describing the steps he took to put into action the scheme to bribe Jane Doe. Specifically, ARLINE, JR. referenced the time when he contacted Jane Doe by sending a message to Jane Doe's Instagram account (on January 9, 2020) and explained that he had asked I-1 to get in contact with Jane Doe but when I-1 did not, he did not take any further action until now.

14. Thereafter, at the direction of law enforcement, Jane Doe continued to communicate with ARLINE, JR. over the ARLINE 7687 TELEPHONE, and with I-1 regarding payments by ARLINE, JR. to Jane Doe. At 1:01 a.m. on May 27, 2020, Jane Doe sent a text message via iMessage to the ARLINE 7687 TELEPHONE that read, "[Jane Doe's Cash App account] I'm going to bed, today has been long. Ttyl." ARLINE, JR. responded by iMessage using the ARLINE 7687 TELEPHONE, "Ok good night[.]"

15. On May 27, 2020, at 12:03 p.m., ARLINE, JR., using the ARLINE 7687 TELEPHONE, sent a text message via iMessage to Jane Doe stating, “Good morning yea [first name of I-2] said Rob don’t have that to give, guess he’s going to take his chances if you ever need an opportunity’s let me know.”

16. Later that day, Jane Doe sent a text message via iMessage to I-1 that said, “I feel like he was [emoji with long nose] how he say rob had all this money and then today nothing? [second emoji.]” Initially, at 6:10 p.m. (two minutes after I-1 apparently read Jane Doe’s earlier text message), I-1 said, in part, “like i said you and i both knew rob was low on funds and again rich hasn’t spoke with rob since january so i don’t know[.]” A little over three hours later, at 9:32 p.m., I-1 wrote, in part, to Jane Doe, “so rich just told me rob will give \$300,000.” Jane Doe answered, in two separate text messages via iMessage, in part, “did Rob speak to Rich? Because he literally just said [first name of I-2] said he didn’t have money to give and would take his chances? [emoji]” and “That just doesn’t make sense. Did one of them talk to Rob?”

17. On May 29, 2020, at 12:40 p.m., ARLINE, JR., using the ARLINE 7687 TELEPHONE, sent a text message via iMessage to Jane Doe that read, “I’m in FLORIDA[.]” Significantly, Jane Doe resides in Florida. At the direction of law enforcement agents, Jane Doe thereafter called the ARLINE 7687 TELEPHONE, which call was consensually recorded. During the call, ARLINE, JR. told Jane Doe that he was in Miami; their call was then cut off.

18. At 7:35 p.m., ARLINE, JR., using the ARLINE 7687 TELEPHONE, sent text messages via iMessage to Jane Doe that read, “I thought [s/he] told u I was coming out here I would have bumped into u in holla at u” and “Yea also told [him/her] I was

vacationing in Miami in we could have talked about everything[.]” Based on my training, experience, and participation in the investigation, I believe that, in these texts, ARLINE, JR., was referring to his belief that I-1 had told Jane Doe that he was traveling to Florida (“I thought [s/he] told u I was coming out here”) and his interest in seeing Jane Doe in person (“I would have bumped into u in holla at u”).

19. On June 3, 2020, the Honorable P. Kevin Castel, United States District Judge for the Southern District of New York, authorized the interception of wire and electronic communications occurring to and from the ARLINE 7687 TELEPHONE for a period of 30 days (hereinafter, the “Arline Wiretap”). Monitoring of the ARLINE 7687 TELEPHONE began on June 4, 2020. The Arline Wiretap did not capture FaceTime calls over the ARLINE 7687 TELEPHONE or iMessages sent or received by the ARLINE 7687 TELEPHONE.

20. On June 10, 2020, at 7:51 p.m. (Eastern Time), Jane Doe, at the direction of law enforcement, sent a text message via iMessage to ARLINE, JR. on the ARLINE 7687 TELEPHONE, which read, “Hey, haven’t heard from you in a min. We still good?” ARLINE, JR. answered, “Yea we good how u doing,” and Jane Doe responded, “Haven’t heard from you so I don’t know where we stand?” These iMessages were not intercepted over the wire, but Jane Doe provided copies of these messages to law enforcement.

21. On June 10, 2020, at 8:08 p.m. (Eastern Time) (#192), ARLINE, JR., called I-5, an individual who has posted a series of interviews on his YouTube channel that were favorable to Kelly (including, among others, an interview of I-2). At the beginning of the call, after ARLINE, JR. said, “I ain’t heard from you in a minute,” I-5 responded, “Oh

man, yeah, yeah, you know ah, I had done talk to ah, ah [first name of I-3]. ... He said he gon' hit you up and I know, I know you is, been in contact with [first name of I-4].”⁴

ARLINE, JR. then said, “how would you, how would you feel if I told you I might be able to get, uh, get you [first name of Jane Doe]?” A minute later, ARLINE, JR. received an incoming telephone call from Jane Doe (described in the following paragraph) and told I-5 that he would call him later; I-5 said, “A’right, call me right, right back.”

22. At 8:09 p.m. (Eastern Time) (#193), at the direction of law enforcement, Jane Doe called ARLINE, JR. on the ARLINE 7687 TELEPHONE. At the beginning of the call, apparently in reference to Jane Doe’s iMessage, ARLINE, JR. said:

Now what you mean by what, how we stand? Because uh, last time I heard from anybody was [first name of I-1]. [S/he] was like, “What’s the, what’s the most you think he will give me, whatever?” Like then and I was like, “Maybe, three hundred [300].” And [s/he] said, [s/he] was going holler at you, and I never heard nothing else from either one of you all, so I really don’t know what’s going on.... Yeah, [s/he] just asking like, “What’s the most he probably would give her?” And I told [him/her] what he said, what she would, what they say. And [s/he] said [s/he] was gon’ get back with you, so. Ain’t nobody ever get with me, maybe the price was so low, [s/he] said, might purchase a house [ph] and then she’ll [U/I]. And I definitely told [him/her] that ... he got about like three hundred to give.

Jane Doe explained that I-1 had not “relayed anything to her.” She then asked, “So have you talked to [first name of I-2] or anybody?” and ARLINE, JR. answered, “Yeah, I was just

⁴ The transcriptions of telephone calls intercepted over the Arline Wiretap that are included herein are based on linesheets prepared by the wiretap monitors and are subject to revision.

on the phone with him, like about eight this morning.”⁵ They then had the following exchange:

Jane Doe: Okay, well the three hundred is okay, so I just need to know how we going to like go about it.

ARLINE, JR.: Oh okay, yeah I’ll call him, call [U/I] and tell him that she said that’s cool. Like I said it was, that was like shit, near, near two [2] weeks ago, when [first name of I-1] hit me, and [s/he] was like, “What’s the most?” And I told [him/her] that shit. I don’t know why [s/he] ain’t get back with me, like that’s what I asked [him/her] to do, two weeks ago. But I...

Jane Doe: But what did [first name of I-2] say?

ARLINE: Oh, I talk to [first name of I-2], I talk to [first name of I-2] from [U/I] day about some different things.

At the end of the telephone conversation, Jane Doe asked ARLINE, JR. for a “three-way” telephone call between Jane Doe, ARLINE, JR. and I-2. ARLINE, JR. answered, “I’ll set it up.”

23. After ARLINE, JR. concluded the phone conversation with Jane Doe, at 8:17 p.m. (#194), ARLINE, JR. called I-5. When I-5 asked, “What she tryin to do,” ARLINE, JR. answered, “She tryin’ to get money.” I-5 answered, “I know how to do that.” ARLINE, JR. then said:

Her ass, man... she thinkin, she thinkin Rob gonna pay her to be

⁵ A review of records for the ARLINE 7687 TELEPHONE shows that ARLINE, JR., using the ARLINE 7687 TELEPHONE, made only one telephone call between 10:54 p.m. (Central Time) on June 9, 2020 and 10:11 a.m. (Central Time) on June 10, 2020, and it was with his wife, at 8:41 a.m. Law enforcement continues to investigate whether ARLINE, JR., spoke with I-2 using a different telephone number or using Apple FaceTime, iMessage, or another means of communication that would have not been intercepted over the Arline Wiretap.

quiet... like maaan. that shit ain't finna happen. ... Tryin to get [first name of I-2] on the phone see what he wanna do.[⁶] Cause in a minute I'm a tell her ass... man, fuck it, cause I might holla at [first name of I-4] and [first name of I-4] was like nah, he ain't tryna, he ain't tryna pay nobody else." ... But the old Rob, the Rob I know--like, [first name of I-4] don't speak [U/I] lawyer. Rob, if I had talked to Rob on the phone and Rob got the money, he gonna pay [first name of Jane Doe] to be quiet. Like if I had a way to talk to Rob, being next to him, and telling him what's going on, without nobody listening to, no feds, nobody, he gonna pay her ass off to be quiet. She got too much. She got too much.

During the conversation, I-5 mentioned that Jane Doe might be in "cahoots" with the "FBI" and questioned whether a financial settlement with Jane Doe for her silence would even help Kelly at this point, explaining that several of the victims named in the indictments against Kelly had previously received settlements from Kelly and suggesting that Jane Doe could not damage Kelly too much. After ARLINE, JR. and I-5 ended their telephone call, ARLINE, JR. sent a text message via iMessage to Jane Doe that read, "He got a new spokesman said Rob not willing to pay u bout was instructed to help u make money in a major way[.]" Based on my participation in this investigation, there is probable cause to believe that "He" referred to Kelly. Like the prior messages, this iMessage was not intercepted on the Arline Wiretap, but was provided to law enforcement by Jane Doe.

24. At 9:12 p.m. (Eastern) (#197), Jane Doe, again at the direction of law enforcement, called ARLINE, JR. and told him she was "confused." ARLINE, JR. responded:

⁶ Based on a review of available telephone records, ARLINE, JR. did not appear to use the ARLINE 7687 TELEPHONE to call I-2 after he spoke with Jane Doe. However, if the call was made using the FaceTime application, a record of the call would not appear on records from the service provider of the ARLINE 7687 TELEPHONE; nor would it be intercepted on the Arline Wiretap.

Yeah, so shit, all I know is, I just seen some shit that like, just blew my mind. So, shit, I called, I just called [first name of I-2] like I told you, I ain't really been talking to him about y'all since we talk which was a couple, was about two weeks ago. So, I just called him right now, he like: "Man, holler at [I-5]." I'm like, "Why I need to holler at [I-5] for?" He like, "Man, [I-5] doing everything for now on he speaking for Rob, he talking to Rob..." And I'm like, I'm thinking he bullshitting, he like, "Man, go check out the video." So I go check out the video, [first name of I-2] on the, [first name of I-2] having a live interview with [I-5] and like basically Rob is talking to this dude named [I-5] now.

During the conversation, Jane Doe asked, "So whose idea was it to pay this three hundred?" and ARLINE, JR. said, "No, so when [first name of I-1] called me [s/he] said, 'what's the most?' I said, 'Hold on.' I told [first name of I-2], [first name of I-2] like, 'Shit it'll probably be somewhere in the three hundreds looking at how much money this nigga got.' So I went back and told [first name of I-1] three hundred. That was, two weeks [AUDIO GLITCH] [s/he] never respond to me." When Jane Doe asked, "And now [I-5] is, and, so that means [I-5] just came in play about two weeks ago?" ARLINE, JR. answered:

Man, probably, uh, I think probably about uh, a week ago or so where he been putting this shit in place where he doing all the talking for him and shit. Because he told me, cause I talked to [first name of I-4] as well, I tried to holler at [first name of I-4] about this, the money situation too and [s/he] was like, like, "Na, we ain't doing that." And I was like, "Why?" and [s/he] said [I-5] name too.... [S/he], [s/he] is like, [s/he] be on some old other shit though so that's like, when I first, when I first talked to [him/her], I hollered at [him/her] and [first name of I-2], to see where to see where they was at with the shit and that's when we, when we all started talking. But [s/he] knocked it down right away. But [first name of I-2] was like yeah, you probably could try to work it out.

Based on my participation in the investigation, there is probable cause to believe that in the “two weeks” between when ARLINE, JR. first communicated with Jane Doe⁷ and suggested that Kelly would pay \$300,000 for her silence and the time of this June 10, 2020 telephone call, the situation may have changed, including by putting I-5, as opposed to I-2, in charge of the strategy for Kelly, and that I-5 may be less inclined to participate in a direct pay-off of Jane Doe.

25. At 9:27 p.m. (#201), ARLINE, JR. called I-5 and told I-5 that Jane Doe wanted to have a three-way telephone call with ARLINE, JR. and I-5, and I-5 agreed. The three-way call finally took place at 9:45 p.m. (#207). During that telephone conversation, ARLINE, JR. clarified, in substance, that after Jane Doe initially requested a two million dollar settlement, ARLINE, JR. contacted I-2 and I-3 (referring to each by their first names) and they said, in substance, that Kelly could not afford a \$2 million settlement. ARLINE, JR. explained that the \$300,000 settlement came about when I-1 called him and asked how much, and that I-3 then called I-2 who suggested \$300,000. I-5 then told Jane Doe that I-5 would contact I-2 to find out exactly what I-2 meant and mentioned that I-3 had called I-5 two weeks ago and told I-5 about the situation. Following that telephone call, ARLINE, JR. and I-5 spoke again at 10:11 p.m. (#209), and I-5 suggested that Jane Doe was a “loose cannon.”

26. On Friday, June 11, 2020, ARLINE, JR. traveled from Chicago to Houston, Texas, to celebrate his wife’s birthday. During the trip, on June 12, 2020, at 11:36 p.m. (#249), at the direction of law enforcement, Jane Doe called ARLINE, JR. and told him,

⁷ As set forth above, ARLINE, JR. first communicated with Jane Doe over the ARLINE 7687 TELEPHONE on May 26, 2020.

“Let’s just go with the settlement. I don’t know if [I-5] got back to you.” ARLINE, JR. ended the telephone call by telling Jane Doe, “lemme see what’s going on. I, I’ll have a, I have a answer in the morning for the, about the money.” On June 14, 2020, ARLINE, JR. called I-3, but the telephone call went to voicemail. I-3 twice tried to return ARLINE, JR.’s call, but ARLINE, JR. did not pick up the calls.

27. On June 15, 2020 at 10:45 a.m. (#289), ARLINE, JR. and I-3 finally connected. During the call, I-3 said, “I talked to [I-5]. He said you would hit him up,” and ARLINE, JR. said, “Oh yeah, I talked to him a little bit.” ARLINE, JR. explained that Jane Doe wanted “money ... to be quiet.” ARLINE, JR. explained that I-5 said it would be futile to pay her because Jane Doe probably would not end up cooperating with law enforcement. At the end of the call, ARLINE, JR., who was still in Houston, said that he would “hit [I-3] when he got back around,” i.e., when he returned to Chicago.

28. To date, Jane Doe has not received any money from the defendant RICHARD ARLINE, JR., and it remains unclear whether Kelly, I-2, I-3 and I-4 implicitly or explicitly authorized ARLINE, JR. to negotiate a bribe payment on behalf of Kelly. As described above, there is probable cause to believe that ARLINE, JR. in fact sought to coordinate a bribe payment to Jane Doe in exchange for her agreement to cease her cooperation with federal law enforcement regarding the case against Kelly pending in the Eastern District of New York.

29. Because public filing of this document could result in a risk of flight by the defendant, as well as jeopardize the government’s investigation, your deponent respectfully requests that the complaint and arrest warrant be filed under seal.

WHEREFORE, your deponent respectfully requests that the defendant
RICHARD ARLINE, JR., be dealt with according to law.



SYLVETTE REYNOSO
Special Agent, United States Department of
Homeland Security, Homeland Security
Investigations

Sworn to before me this
4 day of August, 2020 by telephone

Steven M. Gold

THE HONORABLE STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK